

United States District Court

STATE AND

MINNESOTA

DISTRICT OF

UNITED STATES OF AMERICA

CRIMINAL COMPLAINT

CASE NUMBER:06-mj-97 (FLN)

V.

TIM HONGGUO TIAN

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about December 9, 2005 in Ramsey county, in the State and District of Minnesota defendant(s) did, (Track Statutory Language of Offense) knowingly and with the intent to defraud, access a protected computer without authorization and exceed authorized access, and by means of such conduct furthered the intended fraud and obtained a thing of value in excess of \$5,000

in violation of Title 18 United States Code, Section(s) 1030(a)(4).I further state that I am a(n) Special Agent and that this complaint is based on the following

Official Title

facts:

SEE ATTACHED AFFIDAVIT

Continued on the attached sheet and made a part hereof: ☒ Yes ☐ No**SCANNED**

MAR 17 2006

U.S. DISTRICT COURT MN



Signature of Complainant

Dean Chappell

FBI

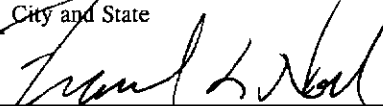
Sworn to before me, and subscribed in my presence,

3/16/06
Dateat Minneapolis, MN

City and State

Franklin L. Noel, U.S. Magistrate Judge

Name & Title of Judicial Officer



Signature of Judicial Officer

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Criminal No. 06-mj-97

REDACTED

STATE OF MINNESOTA)
)
COUNTY OF HENNEPIN)

ss.

AFFIDAVIT OF DEAN CHAPPELL

I, Dean W. Chappell III, being duly sworn, depose and state as follows:

1. I am a Special Agent of the Federal Bureau of Investigation assigned to the Cybercrime Squad of the Minneapolis Field Office. I make this affidavit based on my personal knowledge as well as interviews of witnesses who have knowledge regarding this matter.

2. Your Affiant began this investigation after receiving a report from PARAMETRIC TECHNOLOGY CORPORATION ("PTC"), Arden Hills, Minnesota, regarding the theft of a proprietary software program by a former employee. The former PTC employee, TIM HONGGUO TIAN, DOB: XX/XX/1966, of XXX, Blaine, MN 55449, is alleged by PTC to have gained unauthorized access to the PTC internal computer system and to have taken the source code¹ for an internal quality control software program called QA Link.

3. TIAN is a Chinese citizen working in the United States on a work visa. On September 9, 2005, TIAN told PTC that he had to return to China due to a family emergency. TIAN requested, and was given, a leave of absence from PTC. TIAN then allegedly started employment with the MEDTRONIC corporation, in Arden Hills, Minnesota, on or about September 12, 2005. During the months of October, November, and December 2005, TIAN had several communications with PTC, by telephone and email, in which he claimed to be located in mainland China dealing with the family emergency. TIAN communicated with PTC personnel by email using a Hotmail account, tim0628@hotmail.com. TIAN communicated with PTC personnel by telephone using a cell phone; he advised PTC that he had modified his cell phone account to permit him to make calls while in China through his domestic cell phone account.

¹"Source code" is a set of instructions written into a computer program which tell a computer what to do.

4. On November 7, 2005, PTC informed TIAN by telephone that his employment would be terminated on December 5, 2005 if he did not return to PTC. PTC also sent TIAN an e-mail on November 8, 2005, using e-mail address tim0628@hotmail.com, confirming the deadline of December 5, 2005 for his return to work. When TIAN did not return to work on December 5, 2005, PTC called TIAN on December 6, 2005 and notified him that his employment was terminated effective immediately. At this time, TIAN was still claiming to PTC that he was in China dealing with the family emergency.

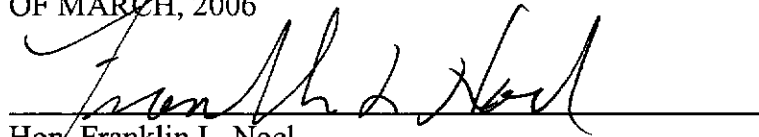
5. As of the time of termination, TIAN was no longer authorized to access the PTC computer network. Nevertheless, after TIAN was terminated, on December 9, 2005, at approximately 11:00 p.m., and on December 10, 2005, at approximately 1:00 a.m., TIAN entered the premises of PTC using his employee security badge, logged onto the PTC computer network, and downloaded the source code for the QA Link product from the PTC computer network. TIAN sent the QA Link source code from a PTC workstation to his e-mail accounts tim0628@gmail.com and tim0628@hotmail.com. QA Link is a proprietary software program and PTC estimates the value of the QA Link software to be approximately \$200,000.

FURTHER AFFIANT SAYETH NOT



Dean W. Chappell III
Special Agent
Federal Bureau of Investigation

SUBSCRIBED TO AND SWORN TO
BEFORE ME THIS 16th DAY
OF MARCH, 2006



Hon. Franklin L. Noel
United States Magistrate Judge